

TFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

EASTER *et al.*

Serial No.: 10/549,686

Filed: March 22, 2004

Confirmation No.: 1119


Atty. File No.: 45568-00542

For: "IMPROVED APPARATUS AND
METHOD FOR OSSICULAR FIXATION OF
IMPLANTABLE HEARING AID ACTUATOR"

) Group Art Unit: Not Yet Assigned

) Examiner: Not Yet Assigned

) **INFORMATION DISCLOSURE STATEMENT**

| |
|---|
| <p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON OCTOBER 16, 2006.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  Teresa L. Marshall</p> |
|---|

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir or Madam:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith. Copies of any foreign patent and non-patent documents are submitted herewith.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:


Thomas R. Marsh

Registration No. 31,039

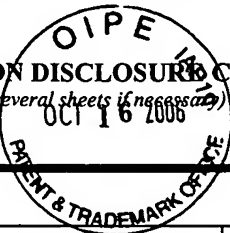
3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

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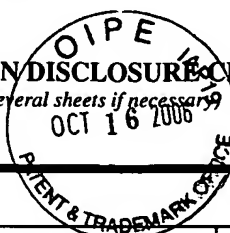
Facsimile: (303) 338-1514

Date: October 12, 2006

|  INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> | | | | Docket Number (optional) 45568-00542 | | Application Number 10/549,686 | | |
|---|-----|---|----------|---|-------|------------------------------------|-------------------------------|----|
| | | | | Applicant(s) EASTER <i>et al.</i> | | | | |
| | | | | Filing Date March 22, 2004 | | Group Art Unit Not Yet Assigned | | |
| U.S. PATENT DOCUMENTS | | | | | | | | |
| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE | |
| | 1. | 3,764,748 | 10/09/73 | Branch <i>et al.</i> | 607 | 57 | | |
| | 2. | 3,902,084 | 08/26/75 | May, Jr. | 310 | 8.1 | | |
| | 3. | 3,902,085 | 08/26/75 | Bizzigotti | 310 | 8.3 | | |
| | 4. | 4,287,616 | 09/08/81 | Heimke <i>et al.</i> | 3 | 1.9 | | |
| | 5. | 4,462,401 | 07/31/84 | Burgio | 128 | 303 | | |
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| | 8. | 4,498,461 | 02/12/85 | Håkansson | 128 | 1 | | |
| | 9. | 4,774,933 | 10/04/88 | Hough <i>et al.</i> | 600 | 25 | | |
| | 10. | 4,904,233 | 02/27/90 | Håkansson <i>et al.</i> | 600 | 25 | | |
| | 11. | 5,085,628 | 02/04/92 | Engebretson <i>et al.</i> | 600 | 25 | | |
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| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | | |
| | a. | U.S. Patent Application Serial No.10/351,682 entitled "Apparatus for Connection of Implantable Devices to the Auditory System", filed January 27, 2003. | | | | | | |
| | b. | Kodera <i>et al.</i> ; Evaluation of the Ceramic Vibrator in the Cat; Adv. Audiol., vol. 4, pp. 97-106 (Karger, Basel 1988) | | | | | | |
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| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application | | | | | | | | |

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(Use several sheets if necessary)



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| | 12. | 5,144,952 | 09/08/92 | Frachet <i>et al.</i> | 128 | 642 | |
| | 13. | 5,220,918 | 06/22/93 | Heide <i>et al.</i> | 128 | 420.6 | |
| | 14. | 5,277,694 | 01/11/94 | Leysieffer <i>et al.</i> | 600 | 25 | |
| | 15. | 5,282,858 | 02/01/94 | Bisch <i>et al.</i> | 623 | 10 | |
| | 16. | 5,460,593 | 10/24/95 | Mersky <i>et al.</i> | 600 | 25 | |
| | 17. | 5,486,197 | 01/23/96 | Le <i>et al.</i> | 606 | 232 | |
| | 18. | 5,527,342 | 06/18/96 | Pietrzak <i>et al.</i> | 606 | 232 | |
| | 19. | 5,584,695 | 12/17/96 | Lal Sachdeva <i>et al.</i> | 433 | 173 | |
| | 20. | 5,624,376 | 04/29/97 | Ball <i>et al.</i> | 600 | 25 | |
| | 21. | 5,702,342 | 12/30/97 | Metzler <i>et al.</i> | 600 | 25 | |
| | 22. | 5,720,631 | 02/24/98 | Carson <i>et al.</i> | 439 | 668 | |

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

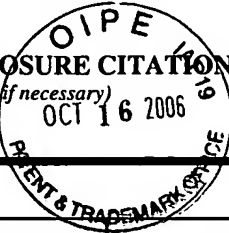
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| | c. | Gyo <i>et al.</i> ; Measurement of Stapes Vibration Driven by the Ceramic Vibrator of Middle Ear Implant – Human Temporal Bone Experiments; Adv. Audiol., vol. 4, pp. 107-116 (Karger, Basel 1988) |
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|--|--|--|--|---|--|------------------------------------|--|
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| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | 23. | 5,735,790 | 04/0798 | Håkansson <i>et al.</i> | 600 | 25 | |
| | 24. | 5,788,711 | 08/04/98 | Lehner <i>et al.</i> | 606 | 130 | |
| | 25. | 5,800,336 | 09/01/98 | Ball <i>et al.</i> | 600 | 25 | |
| | 26. | 5,840,078 | 11/24/98 | Yerys | 606 | 151 | |
| | 27. | 5,899,847 | 05/04/99 | Adams | 600 | 25 | |
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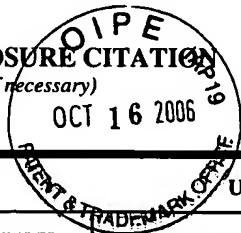
| OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i> | | |
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| | 34. | 6,001,129 | 12/14/99 | Bushek <i>et al.</i> | 623 | 10 | |
| | 35. | 6,039,685 | 03/21/00 | Bushek | 600 | 25 | |
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| | 38. | 6,398,717 | 06/04/02 | Leysieffer <i>et al.</i> | 600 | 25 | |
| | 39. | 2002/0095063 | 07/18/02 | Kroll <i>et al.</i> | 600 | 25 | |
| | 40. | 6,482,144 | 11/19/02 | Müller | 600 | 25 | |
| | 41. | 6,537,199 | 03/25/03 | Müller <i>et al.</i> | 600 | 25 | |
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| | 44. | 6,620,110 | 09/16/03 | Schmid | 600 | 559 | |

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| | 45. | 6,705,985 B2 | 03/16/04 | Easter <i>et al.</i> | 600 | 25 | |
| | 46. | 2004/0147804 A1 | 07/29/04 | Schneider <i>et al.</i> | 600 | 25 | |
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